

SERVICE DATE - MARCH 15, 2004

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-33 (Sub-No. 112X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN LANCASTER COUNTY, NE

Decided: March 11, 2004

A decision and notice of interim trail use or abandonment (NITU), served on September 24, 1997, established a 180-day period (until March 23, 1998) for the City of Lincoln (the City) to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for a portion of the line between milepost 492.88 near 33rd Street¹ and milepost 494.166 at 18th Street, in Lincoln, NE. Thereafter, pursuant to the offer of financial assistance (OFA) provisions of 49 U.S.C. 10904, Lincoln Lumber Company (LLC) acquired the portion of the line between 19th and 24th Streets on December 8, 1997. Otherwise, the trail use condition remained viable for the remainder of the line between 24th Street and the end of the line near 35th Street and for the 8,400-square foot parcel between 18th Street and 19th Street. Subsequent decisions extended the NITU negotiation period until June 10, 2001, and the City and UP entered into an interim trail use/rail banking agreement for those portions of the right-of-way (ROW).

By letter filed on March 3, 2004,² the City requests that the Board vacate, in part, its existing NITU for that portion of the ROW between approximately milepost 493.29 near 30th Street and the end of the line at approximately milepost 492.88. The City requests that the NITU, insofar as it relates to the above-described portion of the ROW be vacated effective immediately.

The City has complied with the requirements of 49 CFR 1152.29(d)(2) regarding its request to vacate the NITU for a portion of the ROW. Thus, UP may fully abandon the line between approximately milepost 493.29 and milepost 492.88.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The City indicates that the Board's decision of September 24, 1997, refers to the end of the line as milepost 492.88 near 33rd Street. However, it states that the UP's Real Estate Department has confirmed that milepost 492.88 is actually near 35th Street.

² This letter replaces the letter filed by the City on February 24, 2004.

It is ordered:

1. The proceeding is reopened.
2. The NITU served March 15, 2001 is vacated with respect to that portion of the line between approximately milepost 493.29 and the end of the line at approximately milepost 492.88 and the City will continue interim trail use/rail banking over the remaining portions of the UP line. UP may fully abandon that portion of the line for which the NITU has been vacated.
3. This decision is effective on the date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary